

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Robert Fletcher Herbert,	)	C/A No. 3:13-262-CMC-PJG
	)	
Plaintiff,	)	
	)	
v.	)	<b>ORDER</b>
	)	
Benjamin F. Treaster, and Daryl Scott Barber,	)	
	)	
Defendants.	)	
<hr style="width: 40%; margin-left: 0;"/>	)	

The plaintiff has filed this action, *pro se*, seeking relief pursuant to 42 U.S.C. § 1983 and alleging a violation of his constitutional rights by the named defendants. The defendants filed a motion for summary judgment on August 12, 2013, pursuant to the Federal Rules of Civil Procedure. (ECF No. 41.) As the plaintiff is proceeding *pro se*, the court entered an order pursuant to Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975) on August 13, 2013, advising the plaintiff of the importance of a motion for summary judgment and of the need for him to file an adequate response. (ECF No. 44.) The plaintiff was specifically advised that if he failed to respond adequately, the defendants' motion may be granted, thereby ending his case.

Notwithstanding the specific warning and instructions set forth in the court's Roseboro order, the plaintiff has failed to respond to the motion. As such, it appears to the court that he does not oppose the motion and wishes to abandon this action.

Based on the foregoing, it is

**ORDERED** that the plaintiff shall advise the court as to whether he wishes to continue with this case and to file a response to the defendants' motion for summary judgment within fourteen (14) days from the date of this order. Plaintiff is further advised that if he fails to respond, **this action**

**will be recommended for dismissal with prejudice for failure to prosecute.** See Davis v. Williams, 588 F.2d 69, 70 (4th Cir. 1978); Fed. R. Civ. P. 41(b).

**IT IS SO ORDERED.**



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Paige J. Gossett

UNITED STATES MAGISTRATE JUDGE

September 19, 2013  
Columbia, South Carolina